



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable M. O. Flowers  
Secretary of State  
Austin, Texas

Dear Sir:

Opinion No. O-2353

Re: When should the State Executive Committee meet after the first primary election to canvass the return of said primary?

You request the opinion of this Department in answer to the above question.

Article 3127, Revised Civil Statutes, provides in part:

" \* \* \* The State Executive Committee shall meet at the seat of government not later than the second Saturday following the day of the first primary election and shall canvass the returns for all state and district offices \* \* \* "

Article 3127 as originally enacted in 1903 and as it appears in the 1925 codification, contained no provision with reference to the meeting of the State Executive Committee in this particular; the above provision was placed in the statute by an amendment thereto by the Forty-third Legislature in 1933, (Acts 1933, 43rd Leg., p. 762, Ch. 225, § 11).

Article 3137, Revised Civil Statutes, of 1925 and as amended in 1927, (Acts 1927, 40th Leg., 1st C. S., p. 27, Ch. 15, § 2), contains the following provision:

"On the third Monday after the fourth Saturday in July, 1925, and every two years thereafter the State Executive Committee shall meet

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at a place selected at the meeting held on the 2nd Monday in June preceding, and shall open and canvass the returns of the primary election held on the fourth Saturday in July as to candidates for state offices, as certified by various county chairman, \* \*,\*."

In the 1933 amendment to Article 3127, supra, no cognizance was taken by the Legislature of the foregoing provisions of Article 3137.

It is manifest that the foregoing provisions of these statutes regulate the same thing and that the requirements of each touching this same subject are repugnant. It is a recognized rule of statutory construction that all laws enacted by the Legislature must be construed together if their provisions may be reconciled, but if there is irreconcilable conflict between the two acts, the last expression by the Legislature will govern and control.

EX PARTE NITSCHKE, 170 S.W. 1101;  
SOUTHERN PACIFIC CO. v. SCREY, 140 S.W. 334;  
39 TEX. JUR., p. 259, § 137.

Accordingly, you are respectfully advised that it is the opinion of this Department that the meeting of the State Executive Committee for the purpose of canvassing the returns of the first primary election is regulated and controlled by the quoted provision of Article 3127 and therefore such meeting should be held not later than the second Saturday following the day of the first primary election.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

/s/  
Collie C. Steakley  
Assistant

ACB:ob

APPROVED JUL 23, 1940  
/s/ Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

APPROVED  
JUL 23, 1940  
By /s/ B. W. B.  
Chairman